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The State of Texas
OFFICE OF THE ATTORNEY GENERAL OF TEXAS
Austin

Gerald C. Mann
Attorney General

Honorable Mortimer Brown
Executive Secretary
Teacher Retirement System of Texas
Austin, Texas

Dear Sir:

Opinion No. 0-3557
Re: Distribution of accumulated
contributions of Katie Ruth
Blankenship, a deceased teacher

In your letter of May 15, 1941, you advise us of the following facts:

Katie Ruth Blankenship, who was a member of the Teacher Retirement System at the time of her death, died on April 11, 1941, survived by her mother, Mrs. Julia Rowlette Anderson, as her designated beneficiary. Mrs. Anderson filed with the Teacher Retirement System her affidavit in proper form claiming the amount thus due her as such beneficiary, but before payment thereof Mrs. Anderson herself died.

You request our opinion in response to the following three questions:

"Should the Comptroller be requested to issue a warrant in favor of Mrs. Anderson? If so, what should be done with the warrant? Should the Teacher Retirement system settle the case by paying the money to the various heirs of Mrs. Anderson?"

Since Mrs. Anderson is dead and the System has been advised of that fact the Comptroller should not be requested to issue a warrant in her favor, this in answer to your first question. Since your second question depends upon a different answer from

Honorable Mortimer Brown, page 2

the above to your first question, such second question need not be noticed further. Since Mrs. Anderson was the beneficiary named by her daughter, upon the death of the latter such accumulated contributions became the property of Mrs. Anderson and descended to her heirs. As indicated in a previous opinion to you, the contributions should be paid to the administrator of Mrs. Anderson if an administration is had upon her estate. However, if there is no such administration the Teacher Retirement System should settle the case by paying the money to the various heirs of Mrs. Anderson.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ Glenn R. Lewis
Glenn R. Lewis
Assistant

CRL:db

APPROVED MAY 22, 1941

/s/ Grover Sellers

FIRST ASSISTANT
ATTORNEY GENERAL

APPROVED OPINION COMMITTEE
By BWB Chairman